

England. William & Mary - 1389 d
BILL OF RIGHTS;

WITH COMMENTS.

AND EXTRACTS FROM MAGNA CHARTA.

THE
D E C L A R A T I O N
OF
R I G H T S

OF THE
PEOPLE OF ENGLAND:

England - Parliament - Parliamentary
MADE BY THE

LORDS Spiritual and Temporal, and the COMMONS,
assembled at WESTMINSTER; assented to and confirmed by WILLIAM, Prince of ORANGE, and the Princess MARY, previous to the Offer made them of the CROWN, by the Convention, - February the Thirteenth, in the Year of our Lord, One Thousand Six Hundred and Eighty-nine.

The Comments by J. Luffman, Citizen and Goldsmith, & Letter from

L O N D O N:

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From Magna Charta, granted 1215.

ARTICLE 24.

A FREE MAN shall not be amerced for a small fault, but according to the degree of the fault.

46. No free man shall be taken, or imprisoned, or disseised [of his liberties], or outlawed, or banished, or any ways destroyed; nor will we pass upon him, or commit him to prison, unless by the legal judgment of his peers, or by the law of the land legal process, trial by a jury of equals.

47. We will sell to no man; we will deny no man; or defer right nor justice.

53. We will not make any justiciaries, constables, sheriffs, or bailiffs, but what are knowing in the law of the realm, and are disposed duly to observe it.

60. If any one hath been dispossessed or deprived by us, without the legal judgment of his peers, of his lands, liberties, or right, we will forthwith restore them to him.

75. And we will not, by ourselves or others, procure any thing, whereby any of these liberties be revoked or lessened; and if any such thing be obtained, let it be null and void.

79. It is also sworn, as well on our part, as on the part of the barons, that all the things aforesaid shall faithfully and sincerely be observed.

Given in the meadow, called Runingmede, between Windlesore and Stanes, in 17th year of our reign, June 15th.

“KING JOHN died, Oct. 18, 1216, one year and four months after he had signed the great Charter of the liberties of England, and which charter he strove, with all the power he was master of, to ruin; but not even the base John, nor any other prince with intentions equally unworthy, have been able to effect its destruction; it may be somewhat impaired, but being founded on the basis of public virtue, it still remains the great corner stone of English liberty; and it is fervently to be hoped, that nothing short of the general wreck of Nature, will ever shake it to its fall.”

COPY OF THE

BILL OF RIGHTS.

WHEREAS the late King James the Second, by the assistance of divers evil counsellors, judges, and ministers employed by him, did endeavour to subvert and extirpate the Protestant religion, and the laws and liberties of this kingdom; by assuming and exercising a power of dispensing with, and suspending of laws, without consent of Parliament; by committing and prosecuting divers worthy prelates, for humbly petitioning to be excused from concurring to the said assumed power; by issuing and causing to be executed, a commission under the great seal, for erecting a court, called, The Court of Commissioners for Ecclesiastical Causes: by levying money for and to the use of the Crown, by pretence of prerogative, for other time, and in other manner, than the same was granted, by Parliament. By raising and keeping a standing army within this kingdom in time of peace, without consent of Parliament; and quartering soldiers contrary to law. By causing divers good subjects, being Protestants, to be disarmed, at the same time when Papists were both armed and employed contrary to law. By violating the freedom of election of members to serve in parliament. By prosecutions in the court of King's Bench, for matters and causes cognizable only in Parliament; and by divers other arbitrary and illegal courses. And whereas of late years, partial, corrupt, and unqualified persons have been returned and served on juries in trials, and particularly divers jurors in trials for high-treason, which were not freeholders; and excessive bail hath been required of persons committed in criminal cases, to elude the
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the benefit of the laws made for the liberty of the subjects; and excessive fines have been imposed; and illegal and cruel punishments inflicted; and several grants and promises made of fines and forfeitures, before any conviction or judgment against the persons upon whom the same were to be levied. All which are utterly and directly contrary to the known laws and statutes, and freedom of this realm.

And whereas the said late king James the Second having abdicated the government, and the throne being thereby vacant, his Highness the Prince of Orange, (whom it hath pleased Almighty God to make the glorious instrument of delivering this kingdom from popery and arbitrary power) did (by the advice of the Lords spiritual and temporal, and divers principal persons of the Commons) cause letters to be written to the Lords spiritual and temporal, being Protestants, and other letters to the several counties, cities, universities, boroughs, and cinque-ports, for the choosing such persons to represent them, as were of right to be sent to Parliament, to meet and sit at Westminster, upon the twenty-second day of January, in the year 1688, in order to such an establishment, as their religion, laws, and liberties, might not again be in danger of being subverted. Upon which letters, elections having been accordingly made; and thereupon the Lords spiritual and temporal, and Commons, pursuant to their several letters and elections, being now assembled in a full and free representation of this nation, taking into their most serious consideration the best means for attaining the ends aforesaid, do in the first place (as their ancestors in like case have usually done) for vindicating and asserting their ancient rights and liberties; declare,

I. That the pretended power of suspending laws, or execution of laws, by regal authority, without consent of Parliament, is illegal.

II. That the pretended power of dispensing with laws, or the execution of laws, by regal authority, as it hath been assumed and exercised of late, is illegal.

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III. That the commission, for erecting the late court of Commissioners for Ecclesiastical Causes, and all other commissions and courts of the like nature, are illegal and pernicious.

IV. That the levying of money, for or to the use of the Crown, by pretence of prerogative, without grant of Parliament, for longer time, or in any other manner than the same is, or shall be granted, is illegal.

V. That it is the right of the subjects to petition the King; and all commitments and prosecutions for such petitioning, are illegal.

VI. That raising and keeping a standing army, within the kingdom, in time of peace, unless it be with the consent of Parliament, is against law.

VII. That the subjects, which are Protestants, may have arms for their defence, suitable to their condition, and as allowed by law.

VIII. That elections of members of Parliament ought to be free.

IX. That the freedom of speech, and debates or proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament.

X. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

XI. That jurors ought to be duly empannelled and returned; and jurors, which pass upon men in trials of high-treason, ought to be free-holders.

XII. That all grants and promises of fines and forfeitures of particular persons, before conviction, are illegal and void.

XIII. And that for redress of all grievances, and for the amending, strengthening, and preserving of the laws, Parliaments ought to be held frequently.

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And they do claim, demand, and insist upon all and singular the premises, as their undoubted rights and liberties. And no declarations, judgments, doings, or proceedings, to the prejudice of the people in any of the said premises, ought in any wise to be drawn hereafter into consequence or example. To which demand of their rights they are particularly encouraged by the declaration of his Highness the Prince of Orange, as being the only means for obtaining a full redress and remedy therein.

Having therefore an entire confidence, that his said Highness the Prince of Orange will perfect the deliverance so far advanced by him, and will still preserve them from the violation of their rights, which they have here asserted, and from all other attempts upon their religion, rights and liberties; the Lords spiritual and temporal, assembled at Westminster, do resolve, That William and Mary, Prince and Princess of Orange, be, and be declared, King and Queen of England, France, and Ireland, and the dominions thereunto belonging, to hold the crown and royal dignity of the said kingdoms and dominions to them the said Prince and Princess, during their lives and the life of the survivor of them; and that the sole and full exercise of the regal power be only in, and executed by the said Prince of Orange, in the names of the said Prince and Princess, during their joint lives; and after their decease the said crown and royal dignity of the said kingdoms and dominions to be to the heir of the body of the said Princess; and for default of such issue, to the Princess Anne of Denmark; and the heirs of her body; and for default of such issue, to the heirs of the body of the said Prince of Orange.

And the said Lords spiritual and temporal, and Commons, do pray the said Prince and Princess of Orange to accept the same accordingly. And that the oaths hereafter mentioned be taken by all persons of whom the oaths of allegiance and supremacy might be required by law, instead of them; and that the said oaths of allegiance and supremacy be abrogated.

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I, *A. B.* do sincerely promise and swear, That I will be faithful and bear true allegiance to their Majesties, King William and Queen Mary. So help me God.

I, *A. B.* do swear, That I do from my heart abhor, detest, and abjure, as impious and heretical, this damnable doctrine and position, that Princes, excommunicated or deprived by the Pope, or any authority of the see of Rome, may be deposed or murdered by their subjects; or any other whatsoever. And I do declare, That no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm. So help me God.

COMMENTS ON THE FOREGOING BILL,

BY J. LUFFMAN, CITIZEN AND GOLDSMITH.

THE CONSTITUTION of England as established under the sacred authority of *MAGNA CHARTA* had, at the crisis which produced the *BILL OF RIGHTS*, become very much impaired by the many encroachments which some of the succeeding kings, from the time of *JOHN*, made upon its equitable form. The *STUART* race exceeded their progenitors, in mutilating this venerable fabric. These men formed a *STAR-CHAMBER*, a court of fine and imprisonment without the interference of juries. These men assumed an artful power of dispensing with the laws. These men EXACTED MONEY from the people of *ENGLAND*, without the authority of parliament. These men endeavoured to establish popery. These men arrogated to themselves divine authority to rule. These men were pensioners to the court of France.—And the immediate descendants of the second *JAMES* were excluded the succession to the throne of *ENGLAND* for the presumption, the profligacy and the insincerity of their ancestors. The *STUARTS* ever lost sight of a maxim which it is to be

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hoped the present exalted family will constantly keep in view, " THAT WHILE THEY CONTINUE TRUE TO THE PEOPLE, THE PEOPLE WILL CONTINUE TRUE TO THEM."

The moment that the DECLARATION of RIGHT was made on the behalf of the ENGLISH people, and acknowledged by the Prince of ORANGE and his consort as the supreme law, in future to be observed; at that instant the constitution became renovated, the power of the crown was acknowledged to flow from its only natural source, the people, and a reciprocal interest, proceeding from allegiance on the one part, and protection on the other, formed the guarantee of the monarch's prerogative and the people's freedom. The offspring of this connexion is the genuine RIGHTS OF MAN, which, apart from all visionary theories, confer happiness, content, and brotherly affection upon its votaries.

The Compiler hopes, that this interest between the prince and the people will ever remain unshaken. He need not tell ENGLISHMEN, that the house of HANOVER was seated on the throne of these kingdoms by the voice of a generous nation, in opposition to the ridiculous, the exploded maxim of hereditary, indefeasible right; but as that was the known cause of their introduction, he will presume to prognosticate that the present King and his successors in the regal office, will be as ready to defend the liberties of the people, impartially, against every usurpation of power, assumed by any set or order of men, as they will be strenuous in preserving uncontaminated, that prerogative, annexed to the high office of first magistrate of ENGLAND, to the glorious title of,

" KING OF A FREE PEOPLE"!!!

SEE LUFFMAN'S CHARTERS, 8vo. 1792.

